

DOCUMENT RESUME

ED 265 623

EA 018 106

AUTHOR Dohnal, Hope
TITLE New Perspectives in Administration: Report of an Elementary Principals' Conference.
INSTITUTION Oregon School Study Council, Eugene.
PUB DATE Sep 75
NOTE 32p.
PUB TYPE Collected Works - Conference Proceedings (021) -- Reports - General (140) -- Collected Works - Serials (022)
JOURNAL CIT OSSC Bulletin; v19 n1 Sep 1975
EDRS PRICE MF01/PC02 Plus Postage.
DESCRIPTORS Administrator Responsibility; *Administrator Role; Administrators; Budgeting; Collective Bargaining; Educational Trends; Elementary Education; Evaluation Methods; Legal Responsibility; Planning; Public Relations; *School Administration; School Community Relationship; School Law; Student Rights; Teacher Evaluation; Teacher Strikes; Torts
IDENTIFIERS Oregon; Planning Programming Budgeting System

ABSTRACT

A conference on new perspectives in school administration was held for elementary school principals in the summer of 1975 by the Confederation of Oregon School Administrators. This paper summarizes material presented in five topic areas by eight speakers. Steve Goldschmidt's talk on school law touched on the administrator's and the school's liability in cases where negligence is alleged, and looked at the extent of the school's right to punish students, search lockers, and confiscate student property. Don Dunbar and Jim Beach discussed preparation for and prevention of teacher strikes from the administrator's perspective. The trend toward contract negotiation between administrators and school boards was Denny Westover's topic. Orville Ause covered evaluation of school personnel using an evaluation by objectives framework. Don Casida and Gene Perry reviewed the Planning Programming Budgeting System concept. Barbara Krohn described school public relations, noting the personnel involved, the audiences addressed, and some practical approaches to relations with the community. (PGD)

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NEW PERSPECTIVES IN ADMINISTRATION Report of an Elementary Principals' Conference

by

Hope Dohnal

Oregon School Study Council

Vol. 19, No. 1

September 1975

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PREFACE

A significant responsibility for each school administrator is to keep abreast of new developments in education. To help elementary principals stay informed, planners of their June conference focused on "new perspectives in administration." This Bulletin has been prepared at the suggestion of the Confederation of Oregon School Administrators and summarizes the major topics presented at the Bend conference with regard to recent developments in several areas of school administration. Formal presentations, written materials, and conference discussions were reviewed and summarized by Hope Dohnal in her preparation of this Bulletin.

Conference topics and speakers included:

School Law

Steve Goldschmidt - Assistant Professor of Education,
University of Oregon, Eugene.

Teacher Strikes

Don Dunbar - Principal, Beaverton School District
Jim Beach - Principal, Beaverton School District

Administrative Negotiations

Denny Westover - Administrative Assistant, Parkrose
School District

Evaluation by Objectives

Dr. Orville Ause - Superintendent, McMinnville
School District

PPBS

Don Casida - Principal, South Lane School District
Gene Perry - Business Manager, South Lane School
District

Public Relations

Barbara Krohn - Communications Consultant, Krohn &
Associates, Seattle, Washington

By keeping the topics separated, and by the use of
a question and answer format, it should be easy for
readers to quickly scan this Bulletin for the most useful
materials.

Kenneth A. Erickson
Executive Secretary,
Oregon School Study Council

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SCHOOL LAW

What Protection Do I, as a School Administrator in Oregon, Have in the Event of a Lawsuit?

A lawsuit may take years to resolve, damage one's reputation, and be a huge financial burden. Oregon's "Save the Harmless Teacher" law (which includes administrators) provides that school districts may defend a school official for his or her negligence. They are not required to do so. The liability insurance required by Oregon law provides \$25,000 coverage on property, \$50,000 for personal injury, and a \$300,000 package when multiple persons are involved. This is not adequate in light of the large settlements and damages that have been awarded. The best way for administrators to protect themselves is to be knowledgeable and up-to-date on the law, and the courts' interpretation of the law. The wise administrator is also familiar with the board policies of his or her district as well as the administrative regulations of the superintendent.

What Is Negligence?

Negligence is the most common charge made against school personnel. Most of the suits involve injury to students filed against teachers, but administrators often

get involved because they are responsible for assigning supervisors.

Negligent conduct is that in which a reasonable and prudent teacher (or administrator) would not engage and which results in an injury.

For a plaintiff to prove negligence, he or she must prove all of the following:

1. Duty of Care - That the school official in fact has a duty of care to act as any ordinary and prudent school official would under the same circumstances. While this standard is flexible to allow for different circumstances and, to some extent, the characteristics of the actor, school officials are held to a higher standard than the average citizen because school personnel hold themselves out as possessing special knowledge about children and their behavior.
2. Breach of Duty - The student proves this by showing that he or she has been exposed to an unreasonable risk of harm. The student does not have to prove that the particular course of events was predictable; merely that an injury could conceivably have resulted from the circumstances.
3. Damages or Injury - That some damages or injuries resulted from the accident.

4. Proximate Cause - That the accident was reasonably foreseeable under the circumstances. In other words, that the circumstances were the proximate cause of the accident.

Have School Officials Successfully Argued that the Student Contributed to the Injury Through His or Her Own Careless Behavior?

Except in the case of student participation in athletics, where the assumption is that the student is voluntarily subjecting himself to possible injury, the courts are not accepting this argument as a defense for negligence. There is a strong presumption that children under the age of 14 cannot be negligent because of their lack of experience and youthful age. In the eyes of the court, the person supervising the activity is in the best position to prevent accidents and injury.

How Many People on Playground Duty Are Enough?

The playground supervisor needs to be able to see all areas of the playground. In many cases, this ability to see depends more on the shape of the play area than the size. If some children are inside a gymnasium playing while others are outside, then more than one duty person is probably required.

Does Administrative Responsibility Vary Depending on Who Is on Playground Duty--Teacher, Student Teacher, Aide, Volunteer Parent?

Yes! In the case of substitute and student teachers

who may be new to the situation, there is an administrative responsibility to inform them of particular hazards or problems related to their assignment. This could even include pointing out particular children to keep an eye on.

Since aides, classified personnel and volunteer parents are not trained as teachers and therefore lack the specialized knowledge of teachers, there is an even greater responsibility on the part of the administrator to train them. They must be adequately instructed on how to supervise children and their competence evaluated.

Are We Responsible for What Happens to Children
on the Way to and from School?

While school personnel are not expected to patrol the streets between home and school, if they see or hear of something dangerous happening, they are obligated to deal with it.

Who Is Responsible for the Supervision of Children
Who Habitually Arrive Early at School or Stay Late
After School?

If the early arrivers are known to you (as an early bus, for example), and it is habitual, then you may be liable. Particularly in the case of bussed children, school personnel actually create a hazard if they don't provide supervision as soon as the children arrive. Even children who walk, and come early or stay late to play on

the playground, may be able to prove negligence on the part of school officials if: officials are in the building; they are aware that children are playing on school property; and they know that the children are doing something dangerous and don't intervene.

Although warning the children and their parents that no one is on duty before 8:00 a.m. or after 4:00 p.m. is a good practice, it does not relieve the school of responsibility altogether. If, however, the accident occurs on the weekend when school personnel are not expected to be there, there is clearly no liability.

What If a Child Is Injured on the Playground and the Supervision Was Found to be Adequate?

The court would likely ask how dangerous was the activity the children were engaged in (throwing rocks, slap-boxing) and how long it had gone on before the injury occurred. If the activity would not ordinarily result in injury, or, if the accident happened so quickly that it was not preventable, then the supervisor probably would not be held liable.

Summary

The key element in negligence cases is proximate cause--whether injury to any student was foreseeable. Following are some sound preventative measures: enforce rules and regulations; increase supervision as the

dangerousness of the activity increases; and stop an unwanted dangerous activity as soon as it starts.

Although this discussion has dealt entirely with playground supervision, the above standards and preventative measures apply to classroom situations as well.*

Where Do the Schools Stand with Regard to Corporal Punishment?

The legal arguments against corporal punishment have included: no rules existed and therefore there was an unreasonable use of discretion; rules were not followed; that it's cruel and unusual punishment; that the student's due process rights were violated; and that the family has a right to raise their children as they see fit--meaning that if they don't want corporal punishment used, their wishes should be respected by the school.

Courts are sensitive to the needs for reasonable and specific rules in this area and will require that school

* See:

1. Dailey v. Los Angeles Unified School District, Sup Ct of Cal (1970), 2 Cal.3d. 741, 87 Cal. Rptr. 376, 470 P.2d 300.

2. Titus v. Lindberg, Sup Ct of N.J. (1967), 40 N.J. 66, 228 A.2d 65.

3. Segerman v. Jones, Ct of Appeals, Maryland (1969) 256 Md 109, 259 A.2d 794.

4. Lawes v. Bd of Ed of City of N.Y., Ct of Appeals, N.Y. (1965) 16 N.Y.2d 302, 213 NE2d. 667.

personnel follow those rules when adopted. Three states (New Jersey, Florida, and Massachusetts) now prohibit any form of corporal punishment in the public schools.

In summary, there is a need for policies and procedures regarding the use of corporal punishment (how it will be used and for what offenses). And these rules and regulations must be strictly adhered to. The student must know about the rule, must be heard, and has the right to deny any and all charges. When this happens, the school must make further inquiry into the matter to protect the student's full due process rights.

It is recommended that school administrators make it clear to parents if and when corporal punishment will be used, giving them an opportunity to exempt their children from it by written request. In cases where parents do this, they are then responsible for the child's behavior in school.*

What Does the Recent Court of Appeals Ruling Regarding the Searching of Students and Students' Lockers Mean to Me as a School Administrator?

The Oregon Court of Appeals recently ruled that school officials are state officials as far as student searches are concerned. This means that they are under the same constraints as police officers and must: 1) have

* See Ingraham v. Wright, 5th Cir. Ct. of Appeals, Florida (1974) 498 F.2d. 248.

consent for the search, or a warrant; 2) be in hot pursuit--that there is a good chance that the evidence will be destroyed if the search is not conducted immediately; 3) have probable cause--a reasonable basis to believe that a crime has been or is being committed--that the items to be seized are probably at a certain place.

What Is My Responsibility as a School Official
When I Confiscate a Student's Property?

Probably resting on our great national respect for private property, school officials who confiscate anything which belongs to a student could find themselves in trouble if they don't return it. Even if the child was forewarned about bringing that particular item to school, school personnel are still required to return such an item. Destroying the confiscated item only adds insult to injury because the issue isn't that school people are making the item their own, but rather that they are denying the student's right to his or her property.

If the item in question is considered to be dangerous, officials have wider discretion as to how and when to return it. In the case of guns, knives and contraband, the duty of the school administrator may be to turn it over to the police. Other objects could be turned over to the parents if they do not wish to give it back to the student.

How Long May School Officials Keep Confiscated Objects?

Confiscated objects may be retained for a reasonable period of time. Reasonableness is dependent upon the item confiscated and the administrator's chosen remedy (i.e., turn item over to police, parents, students).

TEACHER STRIKES

While Oregon has had very few teacher strikes to date, relationships are changing and strikes or threats of strikes are likely to be more common. School districts which have experienced strikes describe tensions and events which may sound both foreign and disheartening. The sharing of these experiences is not intended to pit teachers and administrators against one another, but rather to forewarn administrators so they may function in a more appropriate and knowledgeable manner. This information also should be useful to a district in developing its strike plan--a plan of action based on district policies and regulations, developed in advance and put into effect as a threatened strike approaches. Such a plan offers constructive guidelines for administrative behavior during a time when confusion might otherwise prevail.

How Much Should a School District Do to Prepare for a Possible Teacher Strike?

Two or three weeks before the proposed strike date,

the school board will probably make some decisions as to how many and which schools will remain open during the strike period, and what portions, if any, of the school program will be curtailed. An official spokesperson will be designated (frequently the superintendent) and a strike coordinator announced.

Once these decisions are made known, there is much individual building administrators can do:

1. Decide what communication you'll need to have with what groups of people and when.
2. Prepare a list of parents who might help out during the strike.
3. Be calm and cool--the strike may never happen.
4. Recruit additional qualified names for the substitute list.
5. Make a plan for building security.
6. Find out if service trucks will cross picket lines. If not, arrange a drop spot where school officials may pick up food, etc.
7. Set up an alternate place for busses to unload in the event the regular spot is blocked.
8. Start lining up substitutes and volunteer parents.
9. Let parents know (by note after having the content cleared with the strike coordinator) what they may expect during the strike regarding school hours, bus runs, lunch program, extra-curricular activities, etc.
10. Encourage students to attend school during the strike.
11. Remind the school secretary of his or her role in dealing with confidential information.

What Sort of Things May Be Expected to Occur
During a Strike?

1. Many parents won't send their children to school during the strike, especially if their sympathies lie with unions.
2. Teachers and substitutes who come to work during the strike may be harrassed and pressured to stay home.
3. Telephones may be jammed--get use of phones in nearby houses.
4. Driveway may be blocked--have a wrecker on hand.
5. Disturbances and incidents--hire a professional photographer to record incidents. Have a witness for any illegal activities and document disturbances.
6. The building may be broken into at night--rearrange the custodians' after-hours schedule to maximize security.
7. All schools may be closed for a day or two at first to organize the substitute staff and volunteer parents.
8. Cars in the parking lot may need protection.
9. The teacher association may send teachers out in the evening to go from door to door talking with parents.
10. Schools run largely by volunteer parents may experience increased discipline problems (some have had to close because of this problem).
11. Teachers may not leave any lesson plans. Some principals plan ahead for this by observing what each class is working on before the strike and making notes.
12. Teachers may want to participate in the strike but still carry on with the directing of student clubs, sports and other extra-curricular activities. This you may legally prohibit.
13. Typically very few teachers will cross the picket lines.

14. Teachers may file grievances on everything conceivable. Many grievances filed during a strike are simply forgotten about afterwards. If the principal is low-key during the strike, the staff will get back together sooner afterwards. If the principal is hard-nosed, he or she may find grievances filed even a year or more after the strike situation.

What Can Administrators Do to Best Avoid
Grievance-Generating Situations?

1. Avoid rumors.
2. Be calm and cool--conduct business as usual.
3. Avoid confrontations.
4. Think before you act.
5. Don't change the rules during the strike situation.
6. Avoid the attitude that teachers are the bad guys during the strike.
7. Try to prevent after-scars between teachers and the administration and among teachers. As teachers take stands for and against the strike, rifts may develop between the two camps. This can lead to major disagreements and hard feelings. Be available to teachers to chat as the proposed strike date approaches. Some are likely to come to you as they will have a great deal of emotion invested in deciding whether or not to cross the picket lines.
8. Administrators need to remember that after the strike they are required to treat all teachers the same whether or not they participated in the strike.
9. A staff party held by the principal a few days after everyone is back at work is believed by some to contribute to "burying the hatchet."

Is There Any Literature on Teacher Strikes that
Would Be Especially Useful to Administrators?

The best publication to date on strikes from the

administrator's point of view is the Strike Manual available at \$8.00 from:

Association of California School Administrators
1550 Rollins Road
Burlingame, California 94010

ADMINISTRATIVE NEGOTIATIONS

What Does the Law Say About Administrators Negotiating with School Boards for Pay Increases and Fringe Benefits?

There is no law governing administrative negotiations. What is necessary is willingness on the part of the board to negotiate.

What Are Some of the Benefits Currently Under Negotiation?

Parkrose administrators began negotiating three years ago and have negotiated the following: base salary, length of contract, merit bonuses, professional organization dues, travel expenses, holidays, retirement bonuses, and annual cost of living adjustments. Other things which could be sought include: unlimited sick leave recoverable at retirement; disability insurance; vandalism insurance (personal); deferred compensation (Equitable Savings, T.S. Annuities); administrative improvement program (back to school, etc.); full-family medical, dental and optical insurance; life insurance; group medical coverage after retirement; severance pay; attorneys fees

(personal); and physical examinations (one per year).

Assuming the School Board Is Willing to Negotiate,
How Do Administrators Organize to Present Their
Needs to the Board?

Frequently there is a negotiation team made up of representatives of each level of administration, plus the school board. The "management consultation team" at Parkrose, for example, consisted of the superintendent, assistant superintendent, one central office administrator, one secondary principal, one elementary principal and one member of the school board.

These groups, which work together in a very low-key manner, discuss and come to agree on salaries and related economic matters.

EVALUATION BY OBJECTIVES

How Is Evaluation Being Defined in This Context?

Evaluation is the process whereby a value judgment is made of a person's performance against expected norms by some systematic process.

Why Evaluate School Personnel?

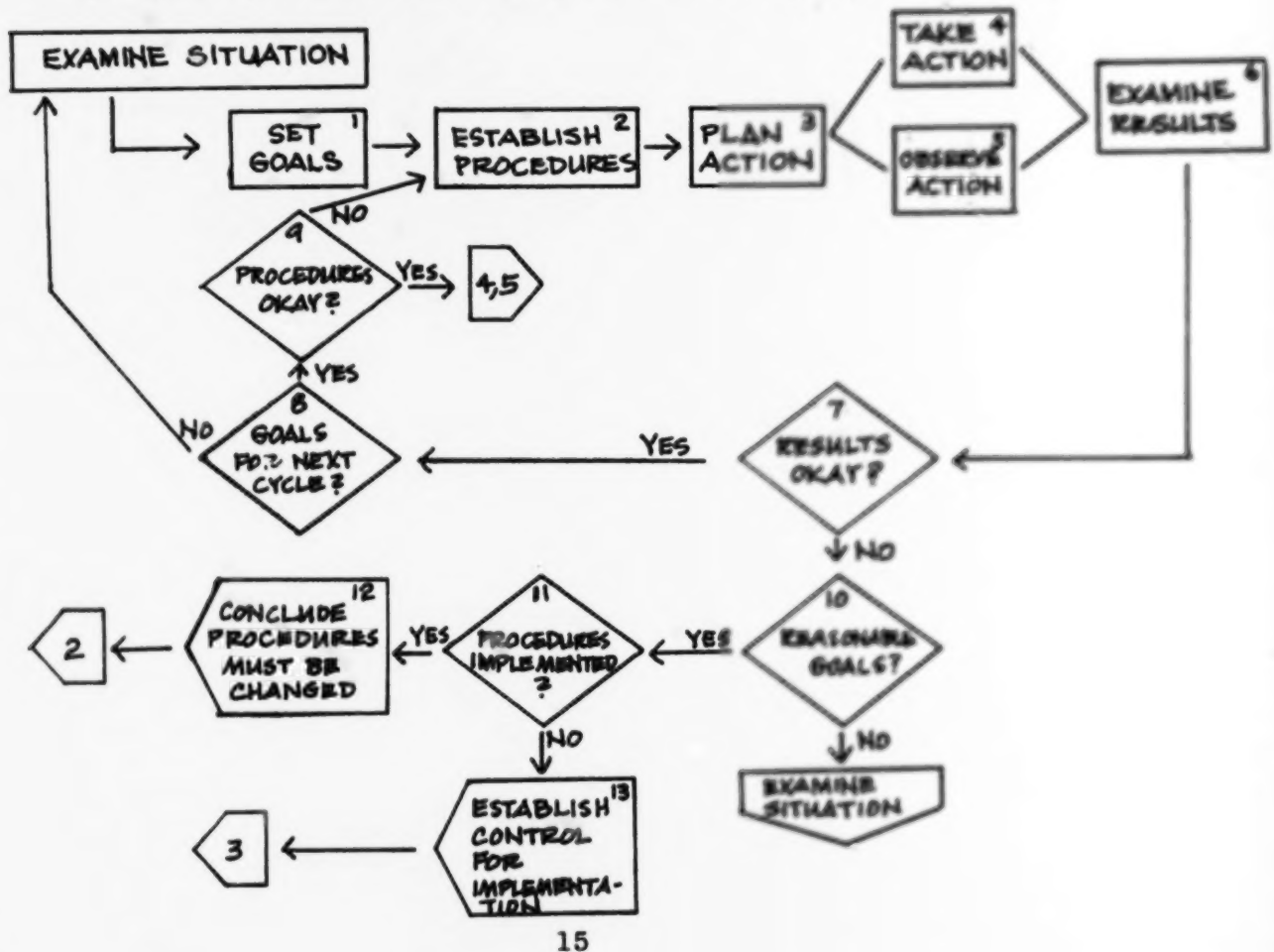
There are many valid reasons for evaluating teachers and administrators. One school district lists the following:

1. To improve performance of school personnel
2. To assist in the implementation of district and state goals.

3. To assist employees in developing goals for improvement.
4. To develop the confidence of the community in the schools.
5. To identify personnel who qualify for greater responsibility.
6. To provide a basis for board decisions on renewal of contracts.

Are There Decision-Making Models Which Will Guide School Administrators in Establishing Goals and Evaluating Their Progress Toward Reaching Them?

There are many excellent decision-making models available in the literature. It is largely a matter of personal preference. A very fine one is presented below:



Is Any Particular Evaluation Tool Preferred When Evaluating by Objectives?

The evaluation tool is not important. Once the philosophy is decided upon, the evaluating form will take care of itself. In other words, it will evolve naturally from the objectives being sought. Laying out expectations, however, is critical in this process. The superintendent needs to prioritize and decide what is important in various areas of administration such as: managerial skills, communication, business management, school-community relations, personnel management, physical plant, curriculum and program development, and analysis and evaluation.

PPBS

What Is PPBS?

PPBS (planned program budgeting system) is now required by a new state law in Oregon. In essence, PPBS amounts to a methodology which enhances the knowledge of school personnel about the effectiveness of instructional programs by aiding in the identification of program strengths, weaknesses and alternatives. Its purpose is the improvement of instructional programs.

How Does Program Budgeting Differ from Traditional Budgeting Techniques?

A school district starts out with a zero budget and

builds it from there, as contrasted with the typical way of taking last year's budget and adding on inflation and new programs. In most planned program budgeting systems, per capita or per pupil budgeting is abandoned and programs are budgeted according to the dollars needed to meet the program goals and objectives.

When the board needs to make cuts in the total budget, it is returned to the staff and they cut out what they least need. Thus, a budget developed in a district with PPBS reflects an educational plan; it is not just an estimate of what will be needed to survive for one more year.

How Does the Budgeting Aspect of PPBS Proceed?

Teachers are involved in the budget planning from the beginning, especially as regards teaching supplies and equipment peculiar to their classes. The teachers develop their own budget proposals based on their course planning documents. They request items they need to implement their planned course of study. This budget request is submitted to the division chairperson (subject or grade-level leader). Each division leader prepares a division budget, by compiling those of the teachers, which is then submitted to the principal. The principal drafts a total school budget from the division budgets and this goes to the superintendent.

What Are Some of the Problems in Connection with Implementing PPBS?

Some school districts found that teachers were afraid of accountability and did not understand the purpose of PPBS. They were fearful that PPBS would be used to evaluate teachers as well as programs. And, there is almost always some resistance to changing from old familiar patterns.

There was some fear among teachers that PPBS is too rigid--that teachers would be teaching to behavioral objectives rather than students. Actually individualized instruction and PPBS are highly compatible and mutually reinforcing.

Some staff have also resented the time it required in the beginning and were afraid that the cost of implementing might decrease available funds which could be applied to increasing teacher salaries.

What Advantages Accrue from Using PPBS?

The South Lane School District which achieved PPBS through SPECS (School Planning Evaluation Communication System offered by the U. of O.) described several advantages: 1) PPBS provides the type of data that will assist administrators in making difficult decisions on program expansion, elimination, and maintenance; 2) It helps to organize individuals, programs, and school districts which results in better use of time devoted to planning

and budgeting; 3) The communication between teachers is greatly improved as is that between teachers and administrators; 4) There is also a noticeable improvement in teacher-student relations. Students like knowing what to expect from a course during the year; 5) Parents like to be able to sit down and examine a course offering too; and 6) Sequencing, from grade to grade, is vastly improved.

PUBLIC RELATIONS

What Is Public Relations?

At one time public relations was virtually synonymous with the one-way process of disseminating information. It was usually initiated only in times of financial crisis for the purpose of securing dollar support. Today it is defined as "good performance, publicly appreciated," and its goal is to make the schools accountable to the community and the community responsive to the schools. A good PR program is systematic, honest and continuing, and makes a sincere effort to break down all barriers to two-way communication.

With What Groups of People Are Schools Most Concerned in Public Relations?

Schools, like other organizations, serve many publics--some which are within the organization and others

which lie outside of it. They include: teachers and support staff, students, parents, and central administration and school board.

Who Is Responsible for PR in the Schools?

In the past, public relations was considered the sole domain of the information officer and/or the superintendent. Now it is, or should be, the concern of every employee in the school district. More commonly referred to as School-Community Relations, PR has become increasingly important because of a growing distrust by the public of most major institutions in our society, including the schools.

If Public Relations Is Everyone's Concern, What Are Some Specific Suggestions School Personnel Can Utilize to Improve School-Community Relations?

The School Secretary

1. Be cordial to visitors. Show more than a smile . . . show concern.
2. Don't presume to answer for the administration or board unless you're specifically authorized to do so. Then say, "Mr. Doe has asked us to explain . . ."
3. Remember that the child comes first.
4. Assume there's no such thing as an enemy of the public schools. This attitude will help take the wind out of critics' sails.
5. Don't breach a confidence, whether it's about a child, a parent, or a teacher.
6. Don't procrastinate or stall. See that appointments are kept, or delays explained.

The Teachers

1. Invite parents with talents to lecture classes.
2. Arrange displays of student art work in windows of local businesses.
3. Conduct a "Meet the Press" session in class with the superintendent, the principal, and a board member as guests and students as reporters.
4. Switch classes with a nearby parochial or private school teacher once or twice a year.
5. Assist students in a study of the function of the school board.
6. Attend at least two board meetings a year.
7. Study classroom management styles--strive to seek a humanistic approach.
8. Arrange breakfasts with parents in the school cafeteria to discuss children's progress and parent reactions and suggestions.
9. Help students write letters to the editor of local newspapers on issues of concern to students.
10. Stimulate the administration to implement in-service programs and workshops on the role of teachers in public and human relations.
11. Volunteer to switch duties for a day with an administrator.

The Administrators

1. Install a hot-line or rumor control telephone to answer questions from callers to check on possible trouble areas.
2. Hold briefing sessions once or twice a year with bartenders and beauticians.
3. Send thank-you grams to staff and students who go above and beyond the call of duty.
4. Form a student advisory committee to study problems and make recommendations.

5. Sit and eat with students in the cafeteria.
6. Conduct surveys of citizens to learn of their thoughts about schools.
7. Teach for at least one class period each week.
8. Make a slide show about a new program and make it available to community groups.
9. Send a one-page superintendent's newsletter to all employees each week.
10. Recognize staff and student achievements at board and staff meetings.
11. Be accessible at specified times to staff, students and parents to discuss problems, gripes or suggestions.
12. Tell the public how to communicate with the schools. Encourage questions and expressions of concern. Listen. Respond.
13. Reserve parking spaces closest to buildings for visitors.
14. Provide feedback opportunities. Send communications to lay leaders asking for opinions on new ideas you are considering.
15. Give the public a chance to sound off regarding possible program changes before you make the change.
16. Be objective and candid in reporting school news.
17. Open up and maintain communications channels with such groups as the Chamber of Commerce, service clubs, labor unions, churches, legislators, realtors, new residents, nonparents (particularly senior citizens), and employee organizations.

The School Board

1. Budget for public relations--try one-half of one percent of the operating budget.

2. Hold meetings in various schools in the community. Publicize in advance and ask for local representation at the meeting.
3. Set a public speaking out time at the first part of the board meetings.
4. Make sure that each agenda is mailed to news media, officers of PTAs, and leading citizens.
5. Visit schools on a regular basis. Talk to students and teachers.
6. Plan training programs for board members, especially new ones.
7. Hold meetings at times and locations convenient for the public to attend.
8. Provide adequate seating for visitors at board meetings. Install a sound system so everyone can hear the proceedings.
9. Individual board members should be careful to indicate they can only speak as individuals.
10. Authorize the printing of a brochure which will describe the duties of the board, who the members are, when the board meets and how one can address the board.
11. Hold executive meetings only on personnel or site matters.
12. Never recess an open board meeting to go into executive session. Hold such meetings at another time.
13. Direct that a report on board action be sent to each staff member the day after meetings.
14. Place a nameplate in front of each board member.
15. Conduct public hearings on major issues--especially on new buildings and proposed budgets.*

*From "99 Ways to Improve Public and Community Relations," Public Information Office, Superintendent of Public Instruction, Olympia, Washington.

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